

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

NEIL F. LETREN

*

*

Plaintiff

*

v.

*

Civil No.

PNC BANK, N.A.

*

Defendant

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* * * * *

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§ 1331, 1441 and 1446, Defendant PNC Mortgage, a division of PNC Bank, N.A. ("PNC"), hereby removes to this Court the state court action filed by Neil Letren ("Plaintiff") described in Paragraph 1 below.

1. The removed case is an action against PNC filed on August 29, 2016, in the Circuit Court for Prince George's County styled *Neil F. Letren v. PNC Bank, N.A.*, Case No. CAL16-32127 (the "State Court Action"). A copy of the Complaint and Jury Demand ("Complaint") is attached as Exhibit A. Plaintiff's Complaint in the State Court Action alleges violations of the Fair Credit Reporting Act ("FCRA"), 15 U.S.C. §1681s-2(b).

2. Venue in this District is proper under 28 U.S.C. § 1441(a) because this Court is the United States District Court for the district and division corresponding to the place in which the State Court Action is pending.

3. Pursuant to 28 U.S.C. § 1446(a) attached hereto as Exhibit A are true and correct copies of the process, pleadings, and orders filed in the State Court Action. The Complaint and the accompanying summons are the only "process, pleadings, and orders" filed in the State Court Action to date.

4. Removal of this action is timely under 28 U.S.C. § 1446(b), which provides that, “[t]he notice of removal of a civil action or proceeding shall be filed within thirty days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based[.]” In this case, PNC received notice of the filing of the Complaint on October 25, 2016 via certified mail. This Notice of Removal is thus filed within 30 days after PNC first received notice of the filing of the Complaint.

5. Because PNC is the only defendant in this case, consent to the removal of the State Court Action by other parties is not required. *See* 28 U.S.C. § 1446(b).

6. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being filed with the clerk of the Circuit Court for Prince George's County and served upon Plaintiff contemporaneously with this filing. A copy of the Notice of Filing of Notice of Removal is attached hereto as Exhibit B.

7. This Court has original jurisdiction over this entire action pursuant to 28 U.S.C. § 1331. This Court has subject matter jurisdiction over claims presenting questions of federal constitutional, statutory, and common law pursuant to § 1331. Jurisdiction exists pursuant to § 1331 when a federal question is presented on the face of the plaintiff's complaint. *Rivet v. Regions Bank of La.*, 522 U.S. 470, 475 (1998). Here, Count I of the Complaint alleges violations of a federal statute—the Fair Credit Reporting Act, 15 U.S.C. §1681. Therefore the Court has original jurisdiction over Count I pursuant to 28 U.S.C. § 1331.

8. Because this Court has original jurisdiction over Count I, the only count in the Complaint, the entire State Court Action is removable to this Court pursuant to 28 U.S.C. §§ 1331, 1441, and 1446.

WHEREFORE, Defendant PNC hereby gives notice that the State Court Action is removed to this Court.

Respectfully submitted,

November 22, 2016

/s/ Daniel J. Tobin

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and

/s/ Elisabeth R. Connell

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Counsel for Defendant PNC Bank, N.A.

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of November, 2016, I have caused a true and correct copy of the forgoing Notice of Removal, with all attachments, to be served by first-class mail, postage prepaid to:

Neil F. Letren
105 E. Mill Avenue
Capital Heights, MD 20743

/s/ Elisabeth R. Connell

Elisabeth R. Connell

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